IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

CRP.No. 576 of 2007(C)

AGAINST THE ORDER DATED 15/01/2007 IN IA.7003/06 IN LAR.150/1987 of III ADDL.SUB COURT, ERNAKULAM

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REVN. PETITIONER: PETITIONRS IN CRP/ PETITIONERS IN I.A. AND CLAIMANTS IN LAR:
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1. GEORGE,
S/O. XAVIER OF THADATHIPARAMBIL PONEKKARA (VADAKKUMBHAGOM), EDAPPALLY NORTH VILLAGE, KANAYANNUR TALUK.

2. LILLY, D/O. XAVIER OF -DO- -DO-.

3. SARAMMA, D/O. XAVIER OF -DO- -DO-,
REPRESENTED BY POWER OF ATTORNEY HOLDER, GEORGE, 1ST PETITIONER OF -DO- -DO-.

4. JOSEPH, S/O. XAVIER OF -DO- -DO-.

5. OMANA, D/O. XAVIER OF -DO- -DO-.

6. XAVIER, S/O. XAVIER OF -DO- -DO-.

BY ADV. SRI.V.SANKARA RAJA

RESPONDENTS: RESPONDENTS IN IA. AND RESPONDENTS IN LAR :
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1. STATE OF KERALA,
REPRESENTED BY SPECIAL TAHSILDAR (LA), HOUSING BOARD, KOCHI-16.

2. KERALA STATE HOUSING BOARD,
REPRSENTED BY SECRETARY, KERALA STATE HOUSING BOARD, THIRUVANANTHAPURAM.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 576 OF 2007

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Dated this the 4th day of July, 2007.

O R D E R

This revision petition is preferred against the order in I.A. 7003/06 in LAR 150/87. The grievance of the petitioner is that though he is entitled to interest on the amount of solatium and additional land value that was omitted to be granted and therefore the award passed by the Land Acquisition Court requires correction under Section 152 CPC. It is true that as per a later decision of the Supreme Court the entitlement is considered. The said judgment was rendered by the Apex Court in 2001. The matter in dispute, i.e., the award was passed in the year 1989. So when the award was passed it was only strictly in accordance with law then in force and therefore one cannot say that the Court below has committed any mistake while passing the award. It is also a settled proposition that a subsequent decision shall not be a ground for review under Order 47 Rule 1. Therefore, it is not a case where the matter can be corrected under Section 152 CPC or corrected using the inherent powers under Section 151 CPC. The learned Subordinate Judge has applied the law correctly and

decided the issue and therefore it does not suffer from any irregularity or illegality. Therefore, the CRP lacks merit and it is dismissed.

M.N. KRISHNAN, JUDGE.

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